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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/032,551	02/26/1998	TIMOTHY P. WERVE	97RSS444/708	1063

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/032,551

Applicant(s)

WERVE ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-5, 7-10, 15, 23-24, 26-29 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "agent group" is vague and indefinite because it does not refer to any previous elements.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 8-24, 27-42 and 45-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stovall et al (USP 6192050) in view of Miloslavsky (USP 6021428).

As claims 1-3, 5, 8-13, 15-22, 24, 27-32, 34-39, 42 and 45-55, Stoval discloses (Fig 1-3 and col. 1, lines 59 to col. 8, lines 15) a method for establishing an audio call path between an Internet user accessing a web site and an agent of the web site comprises the steps of providing the web site with a plurality of audio access icons and a plurality of agents; each audio icon disposes on a respective web page (Fig 2-3 discloses a web server which includes plurality of web pages having a plurality of call buttons, each button is disposed with a respective web page; wherein the customer click on the button to establish an internet telephone between the customer and agent at the call center); an ACD which places the IP address of user in a call queue of the associated agent until a next available agent becomes available (Col. 3, lines 64 to col 4, lines 15); the IP address is forwarded to the agent, wherein the web site decodes the requested message for obtaining IP address wherein the IP address is entered in an entry window and the agent uses the IP address for establishing a voice path between the agent and customer by exchanging the IP addresses (Col. 4, lines 51-65 and col. 5, lines 53-57). In the same field of endeavor, Miloslavsky discloses (Fig 1-23 and col. 1, lines 24 to col. 39, lines 58) the steps of detecting an activation of an audio access icon of plurality of icons; determining an overall type of question associated with each audio icon from information content of the web page of activated icon; selecting an agent with a best relative ability to answer the determined type of question based upon a skill list for the agents; call center has a plurality of agent groups wherein

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each of agent group is associated with an audio icon (col. 1, lines 42-48, col 12, lines 5-39 and col. 15, lines 1-28); a customer information which is stored in the database, is retrieved to transmit to the workstation of the selected agent of the agent group (col 23, lines 61-67); transfer a collected information and identifier agent to a database of the web site and the group of agents and retrieve the user record from database and display this record at the terminal of agent. (See col. 1, lines 32-52, col. 10, lines 45 to col. 15, lines 67; col. 20, lines 37-53; col. 25, lines 5-37; the customer clicks on the icon to speak to an agent, the IP address of the customer and information reviewed web pages will be send to call center for determining to select a quality agent from an agent group which is associated with this product and the information agent and customer which are stored in the database, retrieved to forward to the work station of agent, database 4110 for storing the information above customer and agent).

Since, Miloslavsky suggests that the telephone number can be replaced with the Internet address of the customer when the customer submits the information to the call center for establishing a voice call between the customer and agent. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply teaching of Miloslavsky such as determining a history requested of customer to select a skill agent into Stovall's communication system. The motivation would have been to avoid a long distance charge when the customer requests some information about the product.

As claims 4 and 23, it is a designer choice for correlating a training level of an agent group of the plurality of agent groups with an information content of an audio-access icon of the at least some web pages.

As claims 14 and 33, Stoval and Miloslavsky fails to disclose the claimed invention. However, the examiner takes an official notices that a method of create an entry information web page such as credit card to allow the customer to enter data is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the to create a field to allow customer to enter credit card number into Stoval and Miloslavsky because Miloslavsky suggests the credit card number can submit during a voice conversation between the customer and agent.

As claims 40-41, Stovall and Miloslavsky fail to disclose the claimed invention. However, it would have been explicit to one of ordinary skill in the art to apply a look up table in a memory of the web site controller which relates to the information content of each web page of the at least some web pages with an audio access icon disposed on the web page and a call distribution look up table which correlates to the level of an agent group of the plurality of agent groups with information content of an audio access icon of the at least some web pages in order to display the correct information web page and establish a correct call path when the user click on the web page because it is well known and expected in the art.

6. Claims 6-7, 25-26 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoval and Miloslavsky as applied to claim 1, 20 and 37 above, and further in view of Gerber (USP 5657383).

As claims 6-7, 25-26 and 43-44, Stoval and Miloslavsky disclose an ACD. However, they fail to disclose the claimed invention. In the same field of endeavor, Gerber discloses a step of measuring a time period that the user has been in the call queue and comparing the measured time with a threshold value and overflowing the user to a queue of another agent group when the

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measured time exceeds the threshold (Fig 6A-6C discloses a call which places in the queue of team A for period of time and using this time to comparing with a threshold in order to move the user to another team such as Team B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the method for identifying the waiting period of a user and comparing it with a threshold in order to transfer the user to another group of an agent as taught by Gerber et al into the communication system of Stoval and Miloslavsky. The suggestion/motivation would have been to avoid an overflow of a queue of a level of a group of agents.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cave (USP 5958014) discloses a method and apparatus for establishing a voice call between the customer and agent via Internet wherein the selected agent based on context of user, history of requested.

Ginberg (USP 6064730) discloses a self routing and estimating waiting time for a call.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', is positioned above the printed name and title.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
February 8, 2003